

STATE OF SOUTH CAROLINA

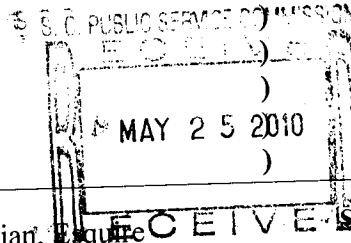
(Caption of Case)

Application of Tega Cay Water Service, Inc.  
for Adjustment of Rates and Charges and  
Modifications to Certain Terms and Conditions  
for the Provision of Water and Sewer Service

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

COVER SHEET

DOCKET  
NUMBER: 2009 - 473 - WS



(Please type or print)

Submitted by: Benjamin P. Mustian, Esquire

SC Bar Number: 68269

Telephone: 803-252-3300

Fax: 803-771-2410

Other:

Email: bmustian@willoughbyhoefer.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda expeditiously

☒ Other:

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input checked="" type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input checked="" type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input checked="" type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input checked="" type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

**WILLOUGHBY & HOEFER, P.A.**

ATTORNEYS & COUNSELORS AT LAW  
930 RICHLAND STREET  
P.O. BOX 8416  
COLUMBIA, SOUTH CAROLINA 29202-8416

MITCHELL M. WILLOUGHBY  
JOHN M.S. HOEFER  
RANDOLPH R. LOWELL  
ELIZABETH ZECK\*  
BENJAMIN P. MUSTIAN  
MICHAEL R. BURCHSTEAD  
ANDREW J. MACLEOD

AREA CODE 803  
TELEPHONE 252-3300  
TELECOPIER 256-8062

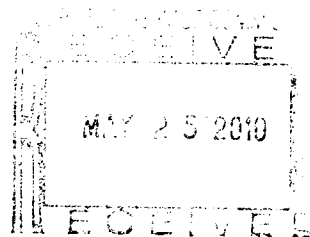
TRACEY C. GREEN  
ALAN WILSON  
SPECIAL COUNSEL

\*ALSO ADMITTED IN TX

May 21, 2010

**VIA FIRST CLASS MAIL**

James E. Sheedy, Esquire  
Susan E. Driscoll, Esquire  
**Driscoll Sheedy, P.A.**  
11520 N. Community House Road, Suite 200  
Charlotte, NC 28277



RE: Application of Tega Cay Water Service, Inc. for adjustment of rates and charges and modifications to certain terms and conditions for the provision of water and sewer service. Docket No.: 2009-473-WS

Dear Mr. Sheedy:

Please find enclosed and served upon you Tega Cay Water Service, Inc.'s First Set of Interrogatories and First Set of Requests for Production to the City of Tega Cay in the above referenced matter. By copy of this letter, I am filing the same with the Public Service Commission of South Carolina in the above-referenced docket. Please let me know if you have any questions.

Sincerely,

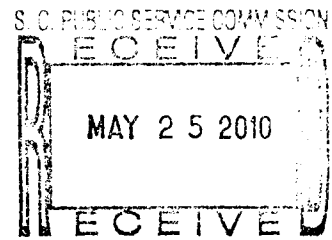
**WILLOUGHBY & HOEFER, P.A.**

Benjamin P. Mustian

BPM/cf  
Enclosures

cc: The Honorable Jocelyn G. Boyd  
Jeffrey M. Nelson, Esquire

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2009-473-WS**



IN RE: )  
)  
Application of Tega Cay Water )  
Service, Inc. for adjustment of )  
rates and charges and modifications to )  
certain terms and conditions for the )  
provision of water and sewer service. )  
\_\_\_\_\_ )

**TCWS'S FIRST SET OF  
INTERROGATORIES AND FIRST SET  
OF REQUESTS FOR PRODUCTION TO  
CITY OF TEGA CAY**

**TO: CITY OF TEGA CAY AND ITS ATTORNEY, JAMES W. SHEEDY, ESQUIRE  
AND SUSAN E. DRISCOLL, ESQUIRE**

In accordance with S.C. Code Ann. Regs. R.103-833, (1976 as amended) and R.103-835 (Supp. 2009), Applicant, Tega Cay Water Service, Inc. (the "Company" or "UUC") requests the Intervenor City of Tega Cay (the "Intervenor" or "City") to answer the following interrogatories and respond to the following requests for production of documents, under oath, through the individual officers, managing agents, employees, members or representatives who are most knowledgeable with respect to the subject to which each respective interrogatory is addressed.

**INSTRUCTIONS**

The Company requests the Intervenor to serve its responses upon the Company's undersigned counsel not later than twenty (20) days after the service hereof. The interrogatories and requests are to be deemed to be of a continuing nature so as to require supplementation and amendment promptly, as necessary, in order to comport with facts and information that is not known or available to you at the time of the initial responses of these interrogatories. With respect to the production of documents, the requested documents should be provided to the

Company by delivery to the undersigned at 930 Richland Street, Columbia, South Carolina 29201, or at such other locations as is mutually agreeable to the Intervenor and the Company. In the alternative, the documents may be mailed, postage prepaid, to the undersigned counsel at Post Office Box 8416, Columbia, South Carolina 29202-8416. The documents will be promptly returned after reproduction (if required).

If the Intervenor claims a privilege as to any interrogatory of request for production, with respect thereto, set forth the following:

1. Who possesses any requested document;
2. Who has reviewed any requested document;
3. The author, recipient and any copyholders of any requested documents;
4. The parties to any covered conversation, if it is a recording or transcript;
5. Who prepared the requested document;
6. The date of the requested document;
7. The type of document; and
8. The type of privilege asserted.

### **DEFINITIONS**

I. As used herein, the term "Document" is used in the broadest sense and includes, but is not limited to, any written, printed, recorded, typed or graphic matter, however produced or reproduced, including all non-identical copies thereof and further including, but not limited to, any books, ledgers, pamphlets, periodicals, brochures, letters, memoranda, advertisements, proposals, telegrams, telexes, reports, telephone logs, drafts, business records, handwritten notes, bill, checks, invoices, charts, graphs, indices, tapes, transcripts, data sheets, records of telephone

calls, data processing cards, and electronically-stored data such as documents stored on network drives, hard drive, cd-rom, optical disks, magnetic tape, 3.5 in and 5.25 inch floppy disks, electronic mail files, both current and deleted, and any other computer files of whatever type which are in the Intervenor's possession, custody or control.

II. As used herein, the words "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and this request any documents which might otherwise be construed to be outside its scope.

III. Wherever applicable, the singular form of a word should be interpreted as plural.

IV. As used herein, the word "you" or "your" means or refers to the Intervenor, its agents, consultants, or any member, officer or other representative of the Intervenor.

V. As used herein, the word "identify" means the provision of dates, times, places, and parties to any oral communication. With respect to any other communication, it means the date, length and medium of communication or document. With respect to any person(s), it means name, title, address and telephone number.

VI. As used herein, the word "DHEC" means the South Carolina Department of Health and Environmental Control, any department, subdivision, or office thereof, and any of its officers, directors, employees or other such agent.

VII. As used herein, the word "City" means the City of Tega Cay, any department, subdivision, committee, division or office thereof, and any of its councilmen, mayors, officers, directors, employees or other such agent, including, but not limited to, the Tega Cay Utility Department.

## **INTERROGATORIES**

1-1. Identify all persons whom the Intervenor intends to offer as witnesses in the Commission's hearing scheduled in this proceeding and set forth a summary sufficient to inform the Company of facts known by such persons.

1-2. With respect to each person identified in response to Interrogatory No. 1-1, state the facts to which such person is expected to testify.

1-3. If any person identified in response to Interrogatory No. 1-1 will offer testimony as an expert witness, describe in detail the professional qualifications of all such person(s), (including academic training, publications authored, professional experience), and previous testimony in judicial or administrative proceedings (including jurisdiction, names of the parties, docket, civil action or file number, nature of testimony, party on whose behalf the witness appeared or was intended to appear and, results of proceedings in which such witness appeared).

1-4. Set forth a list of photographs, plats, sketches or other prepared documents in Intervenor's possession which relate to the case.

1-5. State the factual and legal bases for Intervenor's opposition to the proposed adjustment in rates in the above-captioned proceeding.

1-6. Identify each water and/or wastewater system owned and/or operated by Intervenor from 2006 to the present.

1-7. Has the City or any of its departments, subsidiaries, or agencies ever implemented any increase in the rates charged for water and/or sewer service rendered through the systems identified in Interrogatory 1-6? If so, please state the number, amounts and dates of such increases and the dates of consideration (including any public readings) and adoption of any

ordinance(s), resolutions or other actions of the City or its governing body pertaining to same and the number of any such ordinances, resolutions or other actions. To the extent that this information is unavailable for each system, provide the information for all systems on an aggregate basis. To the extent that any such increase is planned, please describe the status of the City's consideration of such increase, including anticipated dates for adoption and implementation of any such increase.

1-8. For each system identified in response to Interrogatory No. 1-6, state the number of customers served by each system for each year since 2006 the number of complaints received from customers for each year since 2006, the annual revenue for each year since 2006, and the annual expenses for each year since 2006. To the extent that this information is unavailable for each system, provide the information for all systems on an aggregate basis.

1-9. For each system identified in response to Interrogatory No. 1-6, state the source of any and all income, revenue or other form of financial support or assistance for each system. Identify whether any water and/or wastewater system operated by the City receives income, revenue or other form of financial support or assistance from any funding source other than revenues derived from service charges, account fees, tap fees, or other amounts paid by customers for water or wastewater service. To the extent that this information is unavailable for each system, provide the information for all systems on an aggregate basis.

1-10. Has the City has issued any bonds, general, revenue or otherwise, relating to, or with the purpose of, financing in any way the operations and capital improvements of each system identified in response to Interrogatory No. 1-6. If so, identify the amounts and the issuance and maturity dates of any such bond(s) and any certificate(s) on file pertaining thereto

(including recording data), and state how the funds derived from such bond(s) have been, will be, or are being used by the City.

1-11. For each system identified in response to Interrogatory No. 1-6, state whether any such system has experienced a sanitary sewer overflow (“SSO”) or unlawful or improper discharge of wastewater, including discharge of wastewater into the waters of the State of South Carolina (collectively referred to as “Discharge”), since 2006. If so, identify the date nature, reason and cause of the SSO or Discharge, the gallonage of wastewater discharged, whether DHEC was notified of such Discharge, any penalties or fines levied against the City by DHEC or any other enforcement agency relating to the Discharge, and whether the Discharge resulted in any enforcement action by DHEC or any other enforcement agency including, but not limited to, the issuance of a consent order, Notice of Violation, or letter indicating non-compliance by the City.

1-12. State whether the City has issued any boil water advisories, boil water notices or similar notices relating to contamination of the water supplied to the customers of any system identified in response to Interrogatory No. 1-6 since 2006.

1-13. For each system identified in response to Interrogatory No. 1-6, identify the number of meters installed on each system which are electronic or are capable of being read electronically, remotely or automatically, via a radio signal or other similar method. To the extent that this information is unavailable for each system, provide the information for all systems on an aggregate basis.

1-14. Has Intervenor engaged in, received or transmitted communications with the South Carolina Office of Regulatory Staff or DHEC discussing, regarding or relevant to the



instant proceeding? If so, list the dates of each communications, the parties thereto, the medium of each communication (whether oral, written or electronic), and provide a summary of each communication.

1-15. Set forth a list of all properties presently owned or occupied by Intervenor which receive water and/or sewer service from TCWS.

1-16. For each wastewater system identified in response to Interrogatory No. 1-6, identify the number and location of each lift station or pump station comprising part of such system.

1-17. Does the City have a remote telemetry unit ("RTU") system installed on the water or wastewater systems identified in response to Interrogatory No. 1-6? If so, state the date of installation, manufacturer and whether any such RTU system is maintained and operated by the City or a contractor.

1-18. Describe the means of communication the City employs to notify its water and sewer customers of maintenance or repair activities (whether routine or emergency) on the systems described in response to Interrogatory No. 1-6, service interruptions, boil water advisories, service outages, or similar matters pertaining to the provision of utility services.

1-19. Does the City receive bulk water supply or wastewater treatment service from any entity? If so, state the nature of the service received, the identity of the provider of same, and the basis upon which the charges for such service have been determined (including any contractual agreements between the City and such provider).

1-20. Has the City ever performed, or had performed, a rate study with respect to its utility systems? If so, identify the author(s), dates, and cost of such study and state whether the City uses, or has used, same to set rates for its utility services.

### **REQUESTS FOR PRODUCTION OF DOCUMENTS**

1-21. Provide copies of any exhibits which you intend to offer into evidence in this proceeding and all documents upon which those exhibits are based or from which they are derived.

1-22. Provide copies of all documents, notes, memoranda, electronically stored information, calculations, and any other written or recorded material generated by any expert you intend to call as a witness as part of his analysis of and preparation for this case.

1-23. Provide copies of all documents, notes, memoranda, electronically stored information, calculations, and any other written or recorded material generated by any expert you intend to call as a witness relies or intends to rely in forming his opinion.

1-24. Provide copies of all correspondence, to include electronic correspondence, between any expert you intend to call as a witness at trial and the City or any of its attorneys, councilmen, mayors, officers, directors, employees or other such agent.

1-25. Provide copies of any and all communications between the City and DHEC relating to each of the systems identified in response to Interrogatory 1-6, including, but not limited to, enforcement orders, consent orders, Notices of Violation, letters of non-compliance, or reports. To the extent that this information is unavailable for each system, provide the information for all systems on an aggregate basis.

1-26. Provide a copy of boil water advisories, boil water notices or similar notices issued by the City relating to contamination of the water supplied to the customers of any system identified in response to Interrogatory No. 1-6 since 2006.

1-27. Provide copies of any certified annual financial reports, annual audit reports, or other such documentation detailing the City's financial status, revenue, and expenses of the City for each year since 2006.

1-28. Provide copies of any certified annual financial reports, annual audit reports, or other such documentation relating to the operation of each of the systems identified in response to Interrogatory No. 1-6 detailing the financial status, revenue, and expenses of each system for each year since 2006. To the extent that this information is unavailable for each system, provide the information for all systems on an aggregate basis.

1-29. Provide copies of all minutes, notes or other public records pertaining to the proposal, consideration, and adoption of any ordinance, resolution or other action of the City, its governing body (including committees or subcommittees thereof), its officers, agents or employees, relating to or pertaining to the establishment or adjustment of rates, charges, fees or other monetary payments for water or sewer service provided by the City.

1-30. Provide copies of all documents identified or described in response to the foregoing Interrogatories not otherwise requested herein.

[SIGNATURE PAGE FOLLOWS]



John M. S. Hoefer

Benjamin P. Mustian

**Willoughby & Hoefer, P.A.**

Post Office Box 8416

Columbia, South Carolina 29202-8416

803-252-3300

Attorneys for Tega Cay Water Service, Inc.

This 21<sup>st</sup> day of May, 2010.  
Columbia, South Carolina

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**

**DOCKET NO. 2009-473-WS**

IN RE:

Application of Tega Cay Water  
Service, Inc. for adjustment of  
rates and charges and modifications to  
certain terms and conditions for the  
provision of water and sewer service.

**CERTIFICATE OF SERVICE**

This is to certify that I have caused to be served this day one (1) copy of **Tega Cay Water Service, Inc.'s First Set of Interrogatories and First Set of Requests for Production to the City of Tega Cay** by placing same in the care and custody of the United States Postal Service with first class postage affixed thereto and addressed as follows:

Jeffrey M. Nelson, Esquire  
**Office of Regulatory Staff**  
Post Office Box 11263  
Columbia, South Carolina 29211

James E. Sheedy, Esquire  
Susan E. Driscoll, Esquire  
**Driscoll Sheedy, P.A.**  
11520 N. Community House Road, Suite 200  
Charlotte, NC 28277



Clark Fancher

Columbia, South Carolina  
This 21<sup>st</sup> day of May, 2010.